

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**RICKEY NELSON SWIFT,**

**Plaintiff,**

**v.**

**Case No. 06-C-0954**

**POLICE OFFICER HUTCHINSON,  
POLICE OFFICER PENDERGAST,  
DETECTIVE WARREN ALLEN,  
POLICE OFFICER GOMEZ, and  
POLICE OFFICER FRED JONES,**

**Defendants.**

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**DECISION AND ORDER**

Plaintiff, Rickey Nelson Swift, filed this pro se civil rights complaint under 42 U.S.C. § 1983 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). Now before me are several motions plaintiff has filed.

**I. PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (DOCKET #44)**

Plaintiff believes that defendants failed to timely file answer(s) to his complaint. He therefore asks the court to enter default judgment in his favor. However, defendants did in fact file answers in a timely manner. As such, I will deny plaintiff's motion for default judgment.<sup>1</sup>

**II. PLAINTIFF'S MOTION FOR CLARIFICATION (DOCKET #57)**

Plaintiff filed a motion for clarification after he received my Order to Amend Scheduling Order, dated October 8, 2008. In that order, I gave the parties until December

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<sup>1</sup> For the same reasons, I will deny the request for default plaintiff filed on October 22, 2008.

1, 2008, to file dispositive motions, which was an additional sixty days from the October 1, 2008 deadline. In his motion, plaintiff asked me to clarify a number of details regarding the order, why I did not sign the order, why the order granted an additional sixty days to file dispositive motions on October 8, 2008, but set the deadline as December 1, 2008, slightly less than sixty days later, and why it took twenty days to forward a copy of the order to plaintiff. As to these questions, I note only that I did in fact sign the order and extend the dispositive motion deadline sixty days from the previous deadline of October 1, 2008. As to why plaintiff did not receive the order until twenty days after it was issued, I do not have that information. Having thus responded to plaintiff's questions, I will deny plaintiff's motion as moot.

### **III. PLAINTIFF'S MOTION FOR ORDER (DOCKET #58)**

On the same day he filed his motion for clarification, plaintiff filed a "motion for order," seeking various forms of relief. First, plaintiff asks the court "for all docket filed with the court from both parties." I will direct the Clerk of Court to enclose a copy of the docket with plaintiff's copy of this order. However, if plaintiff decides to request copies of specific documents filed in this case, he will be responsible for the costs of the copies.

Second, plaintiff asks why the Clerk of Court had not filed the request to enter default and affidavit for entry of default that plaintiff sent to the court on October 20, 2008. The docket reflects that both documents were filed on October 22, 2008.

Third, plaintiff asks me not to grant defendants any additional extensions. I cannot rule on a motion that is not pending before me. I will consider motions for extensions of time by both parties on a case by case basis.<sup>2</sup>

Fourth, plaintiff asks me to forward him a “Federal Rules of Civil Procedure Guidelines.” I am unsure whether plaintiff is requesting a copy of the Federal Rules of Civil Procedure themselves or some particular secondary source material regarding the federal rules. In any event, the materials plaintiff seeks should be available to him through the law library at his institution. The court will not provide them.

Finally, plaintiff asks me to order default judgment against each defendants for the amount of one million dollars. For the reasons set forth above, in my discussion of plaintiff’s motion for default judgment, I will deny plaintiff’s request.

#### **IV. CONCLUSION**

**IT IS THEREFORE ORDERED** that plaintiff’s motion for default judgment (Docket #44) is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff’s request for default (Docket #51) is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff’s motion to clarify (Docket #57) is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff’s motion for order (Docket #58) is **DENIED**.

**IT IS ALSO ORDERED** that the Clerk of Court is directed to provide plaintiff with a copy of the docket in this case.

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<sup>2</sup> My review of the docket indicates that defendants have filed no motions for extensions of time since plaintiff’s motion for order was filed. Plaintiff, however, filed a motion for extension of time to respond to defendants’ motion for summary judgment, which was granted in an order dated January 15, 2009.

Dated at Milwaukee, Wisconsin, this 26 day of May, 2009.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge